

as to the appointment of the committee, and this for the reason before stated, cannot be allowed.

But, in my opinion, a credit should be allowed for the sums mentioned in voucher No. 153. They appear to have been paid for legal services rendered the committee in the discharge of his duty as such, in defending and protecting the estate of the lunatic, and are, therefore, proper and fair allowances.

The third exception of the receiver is against the charge in account D., of two-thirds of the costs of suit allowed him in account A., and it appears to me, the exception is well taken. Upon the face of the account they are stated to be the petitioner's costs, and come within the rule applicable to such cases.

The fourth exception refers to the charge in account D., of \$175, for rent of dwelling house of the deceased, Rachel Colvin, from the 25th of January, 1853, to the date of the account. She died on the 24th of January, 1853, and this fact was brought to the notice of the court by a petition filed by Mr. Ellicott, on the 2d of February following, in which, upon the grounds and under the circumstances therein stated, the order and direction of the court was asked to protect the committee from responsibility. By a previous order, he had been authorized to occupy the dwelling house, and he set forth in his petition that he could not afford to pay the rent such a house would command, and he desired to know whether, now that the lunatic was dead, he should continue to act as before, in the capacity of committee, until some person should appear authorized to take possession of the estate. Upon this petition no order was passed, the court thinking that the death of the lunatic put an end to the authority and office of the committee, and Mr. Ellicott, in his natural capacity, having no interest in the estate, it was thought a petition to meet the emergency should be filed by an interested party, and accordingly, on the 8th of February, 1853, a petition was filed by certain of the next of kin, and heirs at law of the deceased, in which, referring to, and adopting the statements contained in the petition of Mr. Ellicott, they pray for his appointment as receiver. Upon this petition, and in view of the urgency of the case as disclosed by the peti-